

### **REMARKS**

Applicant wishes to thank the Examiner for the detailed remarks.

Claims 10 and 12 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Nagao* (6594570). Applicant respectfully traverses this rejection. The Examiner's interpretation of desensitized is internally inconsistent if not repugnant to the very meaning thereof. The Examiner argues that desensitize can mean turn off. *Nagao* does simply turn off a side airbag 11, 13 if the vehicle is traveling below a predetermined speed [Col. 17, lines 24-26].

none of the vehicle-occupant protecting devices are operated  
while the vehicle running speed is lower than a first thresh- 25  
old value, even when the determination that the vehicle has

The Examiner then goes on to state that “*Nagao et al.* does not specifically state desensitizing a deployment algorithm threshold.” The Examiner is essentially arguing against himself. It is improper to modify the base reference in such a way that it ruins the goal or function of the base reference. The Examiner's proposed modification would do so. The entire goal of *Nagao* is the prevention of an erroneous determination that the vehicle has a roll over motion to avoid unnecessary operation of vehicle-occupant protecting device. That is, the vehicle-occupant protecting device is safed or turned-off. *Nagao* is not concerned with sensitizing but simply turning off the vehicle-occupant protecting devices. The Examiner is thereby improperly attempting to modify *Nagao* away from an explicit goal thereof.

Claims 1, 4-6, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over *Bullinger* (6031484) in view of *Nagao* (6594570). Applicant respectfully traverses this rejection. The Examiner admits that *Bullinger* fails to show desensitizing the deployment algorithm when below a predetermined speed. As discussed above, *Nagao* fails to do so as well. Accordingly, the proposed combination – even if proper – fails to disclose or suggest desensitizing the deployment algorithm when below a predetermined speed for at least the reasons discussed above.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a teleconference will facilitate moving this case forward to being issued, Applicant's representative can be contacted at the number indicated below.

Respectfully Submitted,

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